

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carol G. Mintz on December 17, 2010.

#### In the claims

The application has been amended as follows:

Claim 1 (Examiner's Amendment) A method for biologically controlling a cryptogamic vine disease, comprising applying to a vine having said cryptogamic vine disease an effective amount of a mixture consisting of ~~at least one isolated a biologically pure bacterium, wherein said biologically pure bacterium is *Bacillus megaterium* strain CNCM Deposit No. I-2897, and at least one isolated a biologically pure yeast and an inert vehicle, each of said bacterium and said yeast in the mixture~~ being non-toxic to the vine, ~~and each said bacterium is from a genus selected from the group consisting of *Bacillus*, *Pseudomonas*, *Serratia* and *Streptomyces*, to treat said disease.~~

Claim 3 (Canceled by Examiner's Amendment)

Claim 4 (Examiner's Amendment) The method according to claim 1, wherein ~~each~~ yeast is from a genus selected from the group consisting of *Debaryomyces* and *Pichia*.

Claim 16 (Canceled by Examiner's Amendment)

Claim 17 (Examiner's Amendment) ~~The method of claim 1, A method for biologically controlling a cryptogamic vine disease, comprising applying to a vine having said~~

cryptogamic vine disease an effective amount of a mixture consisting of a biologically pure bacterium, wherein said at least one isolated biologically pure bacterium comprises *Bacillus subtilis* CNCM Deposit No. I-2940, a biologically pure yeast and an inert vehicle, each of said bacterium and said yeast in the mixture being non-toxic to the vine to treat said disease.

Claim 18 (Examiner's Amendment) ~~The method of claim 1~~ A method for biologically controlling a cryptogamic vine disease, comprising applying to a vine having said cryptogamic vine disease an effective amount of a mixture consisting of a biologically pure bacterium, a biologically pure yeast, wherein said at least one isolated biologically pure yeast comprises *Debaryomyces* CNCM Deposit No. I-2896, and an inert vehicle, each of said bacterium and said yeast in the mixture being non-toxic to the vine to treat said disease, and wherein said bacterium is from a genus selected from the group consisting of *Bacillus*, *Pseudomonas*, *Serratia* and *Streptomyces*.

Claim 19 (Examiner's Amendment) ~~The method of claim 1, wherein the said mixture containing per liter a yeast concentration of said from mixture is about  $0.5$  to  $0.75 \times 10^{10}$  of said yeast and a bacterial concentration of said mixture is about from  $0.30$  to  $0.50 \times 10^{10}$  per liter of said bacterium.~~

Claim 22 (Examiner's Amendment) A method for biologically controlling a cryptogamic vine disease, comprising applying to a vine having said cryptogamic vine disease an effective amount of a mixture consisting of at least one isolated biologically pure bacterium selected from the group consisting of *Bacillus megaterium* strain CNCM Deposit No. I-2897 and *Bacillus subtilis* CNCM Deposit No. I-2940, at least one isolated biologically pure yeast, filamentous fungi selected from the group consisting of *Pichia*, *Pythium*, *Trichoderma*, *Gliocladium*, *Ampelomyces*, *Talaromyces*, and *Epicoccum*, and an inert vehicle, each said bacterium and each said yeast in the mixture being non-toxic to the vine, and said bacterium is from a genus selected from the group consisting of *Bacillus*, *Pseudomonas*, *Serratia* and *Streptomyces*, to treat said disease.

Claims 23-29 (Added as New Claims by Examiner's Amendment)

Claim 23 (New) The method according to claim 17, wherein said yeast is from a genus selected from the group consisting of *Debaryomyces* and *Pichia*.

Claim 24 (New) The method of claim 17, said mixture containing per liter a yeast concentration of from  $0.5$  to  $0.75 \times 10^{10}$  of said yeast and a bacterial concentration of from  $0.30$  to  $0.50 \times 10^{10}$  of said bacterium.

Claim 25 (New) The method of claim 17, wherein said cryptogamic vine disease is powdery mildew, blue mould or *Botrytis*.

Claim 26 (New) The method of claim 17, wherein said applying includes spraying said vine with said mixture having an approximately 50/50 ratio of said bacterium to said yeast.

Claim 27 (New) The method of claim 18, said mixture containing per liter a yeast concentration of from  $0.5$  to  $0.75 \times 10^{10}$  of said yeast and a bacterial concentration of from  $0.30$  to  $0.50 \times 10^{10}$  of said bacterium.

Claim 28 (New) The method of claim 18, wherein said cryptogamic vine disease is powdery mildew, blue mould or *Botrytis*.

Claim 29 (New) The method of claim 18, wherein said applying includes spraying said vine with said mixture having an approximately 50/50 ratio of said bacterium to said yeast.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE K. WARE whose telephone number is (571)272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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